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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,139	10/20/2003	Uwe Winkler	304-815	2784
30448	7590	04/20/2005	EXAMINER	
AKERMAN SENTERFITT P.O. BOX 3188 WEST PALM BEACH, FL 33402-3188			ELLINGTON, ALANDRA	
			ART UNIT	PAPER NUMBER
			2855	

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/689,139

Applicant(s)

WINKLER ET AL.

Examiner

Alandra Ellington

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2855

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on response filed on 12/13/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 22-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 and 21 is/are rejected.
- 7) ☒ Claim(s) 13-15, 18-20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/13/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Non-Final Rejection

Oath/Declaration

1. The declaration is defective because the foreign filing date is (DD/MM/YYYY) format and not (MM/DD/YYYY) format as indicated.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 317, 420 and 421. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the *upwardly projecting contact pins* (claim 19) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the

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application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

5. Claims 13-15, 18 and 20 are objected to because of the following informalities:
 - a. With respect to Claim 13, replace "areal" with – a real --.
 - b. With respect to Claim 18, replace "onductive" with – conductive --.
 - c. With respect to Claim 20, replace "th said e conductive areas" with – the said conductive areas --.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-18 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Chen et al (hereinafter Chen) (5,313,840).

a. With respect to Claim 1, Chen discloses a sensor element device for a capacitive contact switch, in which said sensor element device has a three-dimensional shape variable, elastic, compressible body, wherein said body is at least zonally electrically conductive, wherein said sensor element device has an electrical contact zone 12 for contact to a control and a sensor element surface 10, wherein said body extends from said electrical contact zone 12 to said sensor element surface 10 and has different areas, wherein one of said areas is a conductive area 10D,10E being electrically conductive throughout between said electrical contact zone 12 and said sensor element surface, and another of said areas is an insulating area 10C,12C not being electrically conductive, wherein there is at least one said insulating area 10C,12C between several of said conductive areas 10D,10E (col. 2 lines 7-15,50-63 {Figs. 1,4,5}).

b. With respect to Claim 2, Chen discloses the sensor element device according to claim 1, wherein said sensor element surface 10 is formed by a

surface of part of one of said conductive areas 10D,10E (col. 2 lines 52-63 {Figs. 1,5}).

c. With respect to Claim 3, Chen discloses the sensor element device according to claim 2, wherein said sensor element device engages with a cover 14, wherein said sensor element surface 10 is formed by a contact face between part of said conductive area 10D,10E and said cover 14 (col. 2 lines 8-31{Fig. 1}).

d. With respect to Claim 4, Chen discloses the sensor element device according to claim 1, wherein said conductive areas 10D,10E and said at least one insulating area 10C,12C are mechanically interconnected (col. 2 lines 19-31).

e. With respect to Claim 5, Chen discloses the sensor element device according to claim 4, wherein said conductive areas 10D,10E are in one piece ({Figs. 1,5}).

f. With respect to Claim 6, Chen discloses the sensor element device according to claim 1, wherein in an extension direction from said electrical contact zone 12 to said sensor element surface 10 said conductive areas 10D,10E run in roughly said same extension direction (col. 2 lines 52-57 {Figs. 1,5}).

g. With respect to Claim 7, Chen discloses the sensor element device according to claim 6, wherein all said areas 10C-E,12C of said sensor element

including said insulating areas 10C,12C run in said same extension direction (col. 2 lines 7-9,50-63 {Figs. 1,5}).

h. With respect to Claim 8, Chen discloses the sensor element device according to claim 6, wherein said areas, considered in said extension direction, are elongated and have a longer extension in said extension direction than in another direction at right angles thereto ({Figs. 1-3,5}).

i. With respect to Claim 9, Chen discloses the sensor element device according to claim 1, wherein said body is made from a rubbery material (col. 2 lines 52-68, col. 3 line 1).

j. With respect to Claim 10, Chen discloses the sensor element device according to claim 9, wherein said rubbery material is made conductive with inclusions (col. 2 lines 52-68, col. 3 lines 1-14).

k. With respect to Claim 11, Chen discloses the sensor element device according to claim 1, wherein said body is part of a strand, an extension direction of said areas 10D,10E being perpendicular to a longitudinal direction of said strand ({Figs. 1,5}).

l. With respect to Claim 12, Chen discloses the sensor element device according to claim 11, wherein said strand in a basic state, in said longitudinal direction, is linear and is bendable in a direction at right angles to an extension direction of said areas 10D,10E ({Figs. 1,5}).

m. With respect to Claim 13, Chen discloses the sensor element device according to claim 1, wherein said areas form a bank-like body extended in a real

manner perpendicular to an extension direction, said conductive and said insulating areas 10C-E,12C being arranged in alternating manner in both extensions of said body (Figs. 3,4)).

n. With respect to Claim 14, Chen discloses the sensor element device according to claim 13, wherein said conductive areas 10D,10E are separated from one another in each direction (col. 2 lines 52-63 {Figs. 1,5}).

o. With respect to Claim 15, Chen discloses the sensor element device according to claim 13, wherein in a direct connection between two mutually closest of said conductive areas 10D,10E is provided an insulating area 10C,12C or an air gap ({Figs 1,5}).

p. With respect to Claim 16, Chen discloses the sensor element device according to claim 1, wherein said body is cuttable or separable to size at junction points of two said areas (col. 2 lines 19-36 {Figs. 1,5}).

q. With respect to Claim 17, Chen discloses the sensor element device according to claim 1, wherein said electrical contact zone 12 has contacts 12 and said contacts 12 at least have a mutual spacing of two said conductive areas 10D,10E ({Figs. 1,5}).

r. With respect to Claim 18, Chen discloses the sensor element device according to claim 17, wherein several of said conductive areas 10D,10E are located between two mutually closest contacts 12 ({Figs. 1,5}).

t. With respect to Claim 21, Chen discloses the sensor element device according to claim 1, wherein one of said conductive areas 10D,10E is completely

enveloped by one or more insulating areas 10C,12C in a lateral direction at right angles to its extension direction (col. 2 lines 52-63 {Figs. 3,4}).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(5,515,738) (5,447,076) (5,083,467)


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alandra Ellington whose telephone number is (571) 272-2178. The examiner can normally be reached on Monday - Friday, 7:30am - 4:00pm.

10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz can be reached on (571) 272-2180. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alandra Ellington
Art Unit 2855

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MAX NOORI
PRIMARY EXAMINER